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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Gilad Odinak

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EXAMINER

GARG, YOGESH C

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,854

Applicant(s)

ODINAK ET AL.

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 19-54 and 65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 19-54 and 65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Amendment, received on 4/14/2006, is acknowledged and entered. The applicant has amended claims 1, 10, 19, 27, 37, 44, 47, 48, 49. Claims 11-18 and 55-64 are previously withdrawn without traverse. New claim 65 is added. Currently claims 1-10, 19-54 and 65 are pending for examination.

Response to Arguments

2. Applicant's arguments (see Remarks, pages 21-23) filed concerning rejection of claims 1-7, 9-10, 19-23, 25-33, 35-40, 42-51, and 53-54 have been fully considered but are not persuasive for the following reasons:

The applicant's arguments (see Remarks, page 21, line 3-page 22, line 3) concerning amended claim 1 and its dependencies 2-7 & 9-10 are directed to the cited reference Crosby that it does not teach "the interactive content options are not predetermined but are developed after a user has indicated a request to express an interest in something..". The examiner disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*the interactive content options are not predetermined.....*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant further argues (see Remarks, page 22, lines 4-14) concerning claims 1, 19-23, 25-33, 35-40, 42-51, and 53-54 that the cited second reference Jackson does not

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teach the recording of a request after transmission of content. The examiner disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the examiner rejected the above referenced claims as being unpatentable over Crosby in view of Jackson. Crosby teaches all the limitations of claim 1, see earlier Office action mailed on 12/14/2005 on pages 4-7 including the limitation automatically presenting the wirelessly transmitted content to a user over a user interface at the vehicle except for the limitation, recording at least one request made by a user after the transmitted content is presented to the user in the vehicle. IN order to overcome this deficiency, the examiner used the teachings of Jackson which teaches recording of a user's request after presenting the transmitted content (see Jackson, col.1, line 30-col.2, line 25 and col.3, line 15-col.4, line 13).

The applicant argues (see Remarks, page 22, lines 14-page 3, line 7) concerning claims 8,24,34, 41 and 52 as being unpatentable over Crosby/Jackson/Treyz as the current amendments further teach away from Treyz because Treyz emphasizes the refining of voice recognition algorithms and further Treyz does not teach or suggest the use of speech requests without applying voice recognition. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the use of speech requests without applying voice recognition) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is also to be noted that claim 34 recites performing voice recognition processing of the request.

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In view of the foregoing, the rejection of claims 1-10, 19-54 and also of the newly added claim 65, since its limitations are covered by the independent claims 1, 19, 27, 37, 44, 47-49, is sustainable as submitted in the previous Office action mailed on 12/14/2005.

This is a Final rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.1. Claims 1-7, 9-10, 19-23, 25-33-34, 36-40, 42-51, 53-54 and 65 rejected under 35 U.S.C. 103(a) as being unpatentable over Crosby and further in view of Jackson (US Patent 6,516,466).

Regarding claims 1-7 and 9-10, Crosby teaches a method comprising:

receiving a radio broadcast at a vehicle, the vehicle having vehicle information;
wirelessly transmitting content associated with the vehicle information from a server to the vehicle via a data network based on radio broadcast information associated with the received radio broadcast, **automatically presenting the content over a user interface after transmitting the content/after receiving the transmitted content**; processing at least one sent request wherein processing comprises generating a confirmation message upon completing a transaction based on the request; wirelessly transmitting the generated confirmation message over the data network and presenting the sent confirmation message over the user interface, further comprising wirelessly transmitting vehicle information- identifying vehicle location and direction of travel- from the vehicle

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do the server over the data network, wherein the content transmitted from the server to the user via a data network is based on radio broadcast information associated with the vehicle information includes at least one of the vehicle's location, trajectory, information requests, or transaction requests, wherein processing comprises: contacting a business system; and sending information from the business system to the server relating to the request, wherein the confirmation information comprises at least a portion of the information sent by the business system, and wherein the request is a request to purchase an item offered for purchase in one or more of the received radio broadcast or the sent content (see at least col.5, line 66-col.8, line 47, Quote:

" *FIG. 1 illustrates an interactive radio network 100 wherein signals broadcast by land-based radio broadcasters 102 are received by interactive radio mobile units or mobile stations mounted within vehicles 104, with each mobile unit operated by a subscriber or other user (not separately shown.)*

*While listening to a radio broadcast, the subscribers transmit commands or other responsive signals from the mobile units via a communications satellite 106 to an interactive radio network ground station 108, which forwards the commands to an interactive radio network operations center 110. In response to commands received from the subscribers, the network operations center provides information feedback to the subscribers via the Internet 111, with the information being received at individual subscriber computers 112. In this manner, subscribers operating mobile units mounted within automobiles, trucks, planes, trains or the like, may request information pertaining to program segments broadcast by the various broadcasters, then review the information later via the Internet using home computers, work computers, personal digital assistants (PDAs) or the like. As one specific example, a subscriber selects individual songs of interest, then reviews information pertaining to the songs at a later time using his or her home computer[**Note the subscriber's computer such as PDA can provide a user interface for automatically presenting the content over a user interface at the vehicle]** . The subscriber thereby obtains information such as the song name and performer name for various musical selections of interest and, if desired, purchases any or all of the songs via e-commerce*

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Internet sites accessible via the computer. In one other application, the system is configured to permit a subscriber to immediately enter a purchase order via the mobile unit, then review confirmation information via the Internet..... Each mobile unit includes a broadcast radio receiver and a wireless transmitter. The wireless transmitter is a satellite wireless communications device, which transmits signals via satellite 106 to interactive radio ground station 108. (Herein-below, alternative implementations utilizing cellular telephone base stations or dedicated localized communication systems are described.) The primary components of the mobile unit are illustrated in FIG. 2 and include a radio receiver 116, a GPS unit 118, a wireless satellite telephone transmitter 120 and a subscriber interface 122 for receiving control signals from an subscriber via one or more input buttons or other input devices..... The subscriber interface receives GPS coordinates from the GPS unit and receives radio broadcast signals from the radio receiver then, in response to commands entered by the subscriber, generates various interactive radio signals for transference to the wireless transmitter for transmission to the network operations center of FIG. 1. Referring again to FIG. 1, network operations center 110 processes the interactive radio signals transmitted by the mobile unit and generates appropriate feedback to the subscriber via the Internet. Next, the network operations center downloads information pertinent to the program segment and provides that information within a web site accessible by the subscriber, Thereafter, the subscriber may download the information from the web site into his or her computer or PDA by accessing the web site using the subscriber name and password. Alternatively, the network operations center maintains an e-mail address associated with the subscriber ID and transmits e-mail messages containing information corresponding to program segments selected by the subscriber via the designated e-mail address. In the example wherein the program segment selected by the subscriber is a musical selection, the network operations center provides information including the song title, CD title, In the example wherein the radio program segment selected by the subscriber is a radio advertisement, the network operations center provides information within a web page identifying the vendor and the specific goods or services offered for sale within the advertisement. ". Unquote. See also col.col.4, lines 42-45 and col.11, line 1-coi.12, line 11.).

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Crosby, as analyzed above discloses transmitting and automatically presenting the content to the user via a user interface but does not disclose recording, thereafter, any requests made by a user based on the presented content wirelessly transmitting the recorded requests to the server over the data network .

However, in the same field of endeavor, that is a method and apparatus for providing entertainment to a portable device in a vehicle, such as providing on demand digital data in form songs and video games to the users in an automobile, providing a list of available songs for display and selection on a user's interface in the automobile (col. 1, line 30-col.2, line 25), Jackson suggests automatically presenting the content over a user interface at the vehicle or on a computer at home and recording any requests made by a user based on the presented content wirelessly transmitting the recorded requests to the server over the data network via "PCS"-Portable Cellular Stereo mounted in a vehicle. This "PCS" is either coupled to a car radio or designed to be part of the automobile radio system including a microwave cellular transmitter/receiver 36 coupled to a selection processor 38, LCD display screen 46 (see at least col.3, line 15-col.4, line 13). The "PCS" records the user's requests by speaking in a Voice recognition selection circuit 48 and then wirelessly transmits the recorded request to the server, that is microwave cellular tower 12 over the data network. In view of Jackson, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Crosby to incorporate Jackson's "PCS" features in the Crosby's invention, that is recording of requests after transmitting and automatically presenting the content to the user via a user interface based on the presented content and then wirelessly transmitting the recorded requests to the server over the data network. Doing so, as explicitly disclosed in Jackson, it would allow the Crosby's system to provide facilities for receiving multimedia content in the form of songs and videogames in the vehicle itself allowing users to send specific songs and videogames requests and avoiding carrying packages of disks of songs or games in person.

Regarding claims 4-7, Jackson teaches that presenting comprises at least a portion of the content or the message audibly, or displaying visually at least a portion -of the content or the message, recording comprises recording a phonation and processing request comprises performing voice recognition processing of the phonation, see Jackson at least Fig.3, wherein it shows that the "PCS" includes a LCD with display screen 46 used for displaying the content and a voice recognition selection circuit 48 for recording a phonation and performing voice recognition processing of the phonation and a stereo/radio for presenting content audibly. In view of Jackson, it would have been obvious to one of an ordinary skill in the art at the time of the applicants Invention to have modified Crosby to incorporate Jackson's features of presenting a portion of the content or the message audibly, or displaying visually at least a portion of the content or the message, recording comprises recording a phonation and processing request comprises performing voice recognition processing of the phonation in the "PCS" in the vehicle, as explicitly disclosed in Jackson, because it would allow the system to provide convenience of receiving multimedia content in the vehicle on a display screen or audibly and recording and transmitting verbal song and videogame requests without using the hands.

Regarding system and apparatus claims, 19-23,25-33-34, 36-40, 42-51, 53-54, and 65, their limitations correspond to the limitations of method claims 1-7, and 9-10 and are therefore analyzed and rejected based on the same rationale.

3.2. Claims 8, 24,35, 41, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosby in view of Jackson, and further in view of Treyz et al. (US Patent 6,526,335 B1), hereinafter, referred to as Treyz.

Referring to claims 8, 24, 34, 41, and 52, Crosby in view of Jackson teaches a method, a system, and an apparatus, as disclosed in claims 1, 19, 27, 37, and 49 respectively and analyzed above. From the above analysis based on Crosby in view of Jackson, it is evident that the user in the vehicle is able to purchase products based upon the broadcast content. Crosby in view of Jackson does not show, contacting a bank system to execute a monetary transfer based on user information and the request. However, in the field of same endeavor, that is using an interactive automobile personal computer system in a vehicle, Treyz teaches *contacting* a bank and executing a money transfer based on user information and request via a communication network (see at least. Figs 50 and 51 and col.45, line 9-col.46, line 6, "At step 646, automobile personal computer 14 may communicate with the wireless device to authorize payment on behalf of the user. The payment may be for any suitable benefit, such as purchasing a product or service such as food Audible and visual techniques may be used to convey this information and to confirm that the transaction took place. Financial transactions may be involved in using automobile personal computer 14 to interact with wireless communications devices over remote and local wireless links." " and col.71, lines 28-42, "Steps 1002 and 1004 may be implemented locally on automobile personal computer 14, may be implemented remotely (e.g., on a remote server that is in communication with automobile personal computer 14 over a remote wireless link such as a remote wireless Internet link or the like), **A benefit may be provided remotely by crediting the user's bank account.** ". In view of Treyz, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to combine Treyz's feature of contacting a bank and executing a money transfer based on user information and request via a communication network with Crosby/Jackson's interactive radio & "PCS" service system in a vehicle, because to allow the passengers in the vehicle to communicate with any other server including that of a bank and execute money transfer to close a purchase deal.

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Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

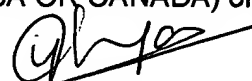
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
6/14/2006